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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,482	11/27/2001	Jose A. Duran	6974-4	2694

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EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,482

Applicant(s)

DURAN ET AL.

Examiner

Traci L Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by www.powergig.com; archived any linkage 2001; March 01, 2001 hereinafter referred to as Powergig.

3. As to claims 1, 11 and 14:

4. Powergig teaches providing a main page illustrating at least a name with at least one talent target and at least one main picture; (Pg. 2 Ref A)

5. Powergig further teaches providing a main menu with the main page including functions selected from the group comprising an exit function, a video function, a portfolio view function, a 3-dimensional view function, an interactive function, an email function, a sound on/off function, or a statistics function; (Pg. 2 Ref A)

6. Powergig further teaches providing a plurality of thumbnail pictures of the at least one talent target on the main page, wherein each of the plurality of thumbnail pictures have associated full pictures; and responsive to the selection of one of the plurality of thumbnail pictures, then providing functions selected from the group comprising a print function, an email function, a save picture function, a biography function, or a scroll to next picture function. (Pg. 3 Ref. C)

7. As to claims 2-5, 12-13 and 15, 17 Powergig teaches the use of multiple options for presentation of information. (Pg 11. Ref A & B; also Pgs. 17, 21 and 23). Although Powergig may not explicitly list every presentation option of the claimed information these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the how talent is presented. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).

8. As to claim 6 Powergig teaches email capability.(Pg 3 Ref. A and Pg. 13 Ref. A).

9. As to claim 7 Powergig teaches the talent as musician. (Pg. 2 Ref A.). The examiner takes notice that although the reference cited states a musician only it would apply to any of the other targets mentioned as this is considered non-function descriptive matter.

10. As to claims 8-9 Powergig teaches Portfolio views with pictures.(Pg. 11 Ref. A) Although Powergig may not explicitly list every statistic option of the claimed information these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the how talent is presented. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).

11. As to claims 10 and 16 Powergig teaches an individual inputting information into a system for others to view.(Pg. 3 Ref. B). Powergig does not explicitly teach a specific storage method. The examiner takes official notice that it is inherent in any computer system to have some type of storage medium in order for viewing information at a later time either by creator of information or others. The examiner also notes that the exact type of storage medium used is non-functional descriptive data as well.

12. As to claim 18 Powergig teaches a method of viewing presentation information and a booking mechanism. (pg 12 Ref. C.)

13. As to claims 19-20 Powergig teaches the booking mechanism using an email system.

Conclusion

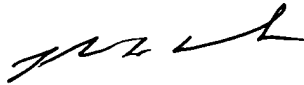
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application US 2004/0143537 A1 Burkley et al; System, Method and Article of Manufacture for Advanced information gathering for targeted activities. Foreign Patet JP 2002117292 A; Takayama et al; Method and System for Promoting Sales. Non-patent literature proquest article; Online Production Services Creates First Internet Link Between North American an Asian Model Agencies; Canada NewsWire; Sept. 28, 1999.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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